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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/527,576

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03/20/2008

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EXAMINER

HO, ANDY

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

03/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/527,576 | <b>Applicant(s)</b><br>RODRIGUES ET AL. |  |
|                              | <b>Examiner</b><br>Andy Ho           | <b>Art Unit</b><br>2194                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 15 and 16 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment filed 2/4/2008.
2. Claims 1, 3, 5-8, and 10-14 have been examined and are pending in the application.

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/2008 has been entered.

### ***Election/Restrictions***

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1, 3, 5-8, and 10-14 drawn to event notification within a network classified in class 719, subclass 318.
  - II. Claims 15-16, drawn to computer user interface, classified in class 715, subclass 700.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such

as interacting with graphic elements via a computer user interface. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Joel M. Fogelson on 3/4/2008, a provisional election was made to prosecute the invention of Group I, claim 1, 3, 5-8, and 10-14 . Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-16 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 5-8 and 11-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Angal U.S Patent No. 6,298,378.

**As to claim 1**, Angal teaches a method for using a topology editor (lines 4-30 column 4) to prescribe a device notified in response to an event related to the operation of a data network (event listener being notified when events occurred from other entities

in the network wherein such events include changes in state of network devices, lines 20-29 column 2, lines 48-64 column 4) and said event comprising the steps of:

defining said event pertaining to said operation of a data network, wherein said operation concerns the status of at least one of the data network and a device of said data network (defining filters, wherein such filters describe the types of events that the event listeners want to be notified of, types of events include changes in state of network devices, lines 20-29 column 2, lines 28-55 column 5, Fig. 4);

assigning a group consisting of a plurality of devices (lines 15-53 column 6) of said data network to be notified in response to said event (event subscriber is being associated with the filter, Fig. 4 and associated reading) by use of said topology editor (lines 4-30 column 4);

assigning a rule to said event, wherein said rule defines at least one condition for triggering a notification of said event to said assigned device (rules of the filter, Fig. 4; such rules defines conditional statements corresponding to events required by the event listener, lines 42-55 column 5), and

said condition is to be activated when matched to a notification of the operation of said data network (determination is made whether an occurred event matches the filter, if matched then the event listener would be notified of the occurred event, lines 28-55 column 5).

**As to claim 5**, Angal further teaches an event group is defined for assigning a second device to said event (S1 is defined for event listeners L1 and L2, Fig. 8A, lines 31-53 column 6).

**As to claim 6**, Angal further teaches said device and said second device of said event group are notified with an action provider when said condition is matched to said notification (S1 forwards filtered events to event listeners L1 and L2, Fig. 8A, lines 31-53 column 6).

**As to claim 7**, Angal further teaches the notification is rendered in view of a severity option (the severity of the event, lines 1-3 column 5).

**As to claim 8**, Angal teaches a method of using a topology editor (lines 4-30 column 4) to notify a group of devices (lines 15-53 column 6) in response to an event related to the operation of a data network (event listener being notified when events occurred from other entities in the network wherein such events include changes in state of network devices, lines 20-29 column 2, lines 48-64 column 4) comprising the steps of:

receiving a notification (receives the event, line 34 column 5) related to the operation of the data network, wherein said operation is related to a status of at least one of the data network and a device of the data network (events occurred from other entities in the network wherein such events include changes in state of network devices, lines 20-29 column 2, lines 48-64 column 4);

comparing said notification to a condition of a rule (rules of the filter, Fig. 4; such rules defines conditional statements corresponding to events required by the event listener, lines 42-55 column 5);

notifying a defined group of devices (lines 15-53 column 6) in response to said event with an action provider (determination is made whether an occurred event

matches the filter, if matched then the event listener would be notified of the occurred event, lines 28-55 column 5), wherein notification of said defined group of devices in response to said event is defined by use of said topology editor (lines 4-30 column 4).

**As to claims 11-12**, they are methods claims of claims 5-6, respectively.

Therefore, they are rejected for the same reasons as claims 5-6 above.

**As to claim 13**, Angal further teaches the topology editor operates with in view of consumer electronics enabled interoperability standard (lines 4-30 column 4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angal in view of Vining U.S Patent No. 7,152,075.

**As to claim 3**, Angal further teaches transmitting SNMP trap in response to an activated rule (SNMP trap daemon, line 56 column 5 to line 14 column 6). However, Angal does not teach a SNMP manager.

Vining teaches a network event notification system wherein a SNMP manager is used to transmit SNMP trap in response to an activated rule (Fig. 1, lines 7-35 column 5). It would have been obvious at the time the invention was made to a person of

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ordinary skill in the art to have modified Angal reference to include the teachings of Vining reference because by using a SNMP manager, the event notification system could further process SNMP trap as disclosed by Vining (lines 7-35 column 5).

**As to claim 10**, it is a method claim of claim 3. Therefore, it is rejected for the same reasons as claim 3 above.

**As to claim 14**, Angal further teaches controlling the operation of said device in view of a second action provider (notifying filtered events to event listeners, lines 31-53 column 6; sending request, controlling devices, lines 52-57 column 3). However, Angal does not teach controlling an action manager. Vining teaches a network event notification system wherein an action manager such as a SNMP manager is used to transmit SNMP trap in response to an activated rule (Fig. 1, lines 7-35 column 5). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Angal reference to include the teachings of Vining reference because by using an action manager such as a SNMP manager, the event notification system could further process SNMP trap as disclosed by Vining (lines 7-35 column 5).

### ***Response to Arguments***

7. Applicant's arguments filed 2/4/2008 have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the



issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

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Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

/Andy Ho/

Examiner, Art Unit 2194